

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Confirmation No.: 2921

Nozer M. Mehta, *et al.*

Date: July 28, 2009

Serial No.: 10/761,481

Group Art Unit: 1654

Filed: January 20, 2004

Examiner: Jeffrey E. Russel

For: IMPROVED ORAL DELIVERY OF PEPTIDES

VIA EFS - WEB

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

AMENDMENT UNDER 37 C.F.R. §1.116

Sir:

This is a response to the final Office Action mailed July 30, 2008 in the above-identified application.

A Notice of Appeal was filed on January 29, 2009 in response to the July 30, 2008 Office Action, together with a Petition to Extend the due date for the response until January 30, 2009. A Brief on appeal or Request for Continued Examination was thus due on March 29, 2009. The present Amendment is being filed together with a Petition to extend the March 29, 2009 due date for four months until July 29, 2009. Applicants' response is thus being timely submitted. Additionally, a Request for Continued Examination ("RCE") is being filed concurrently herewith and it is therefore requested that this Amendment and the accompanying declaration under 37 C.F.R. §1.132 be entered and considered by the Examiner.

FEE CALCULATION

Any additional fee required has been calculated as follows:

_____ If checked, "Small Entity" status is claimed.

NO. CLAIMS AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		EXTRA PRESENT		RATE	ADDIT. FEE
TOTAL	60	MINUS	63	* =	0	X (\$26 SE or \$52)	\$0
INDEP.	3	MINUS	4	** =	0	X (\$110 SE or \$220)	\$0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM					X	(\$195 SE or \$390)	\$

* not less than 20 ** not less than 3

TOTAL \$ 0

If any additional payment is required, a check which includes the calculated fee of \$ _____ (Our Check No. _____) is attached.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

CONTINGENT EXTENSION REQUEST

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner for Patents is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

SUMMARY OF AMENDMENTS

1. ☐ If checked, an abstract (an amended abstract) is submitted herewith.
2. ☐ If checked, amendment(s) to the drawings are submitted herewith.
3. ☐ If checked, amendment(s) to the specification are submitted herewith.
4. ☒ If checked, amendment(s) to the claims are submitted herewith.